

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED THERAPEUTICS	)	
CORPORATION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 23-975-RGA-SRF
	)	
LIQUIDIA TECHNOLOGIES, INC.,	)	
	)	
Defendant.	)	

**NOTICE OF SUPPLEMENTAL AUTHORITY**

Liquidia wishes to inform the Court of a development material to this case. On May 6, 2024, Judge Williams entered an order in *Alexion Pharm., Inc. v. Samsung Bioepis Co. Ltd.*, No. 24-S-GBW (D. Del.), denying Alexion’s motion for a preliminary injunction against Samsung Bioepis’ launch of its proposed eculizumab biosimilar product. Ex. 1 Judge Williams denied the preliminary injunction because Alexion had “not established a likelihood of success on the merits with respect to the validity of either of the PI claims.” *Id.* at \*3. Samsung argued that the PI patent claim directed to a method of treating aHUS (atypical hemolytic uremic syndrome) with eculizumab was obvious in view of eculizumab’s prior art approval in another related disorder, PNH (paroxysmal nocturnal hemoglobinuria). *Id.* at \*5-6. The Court found that Samsung’s obviousness arguments “at least raised a substantial question of validity,” based on the similarities between the diseases and eculizumab’s known mechanism of action. *Id.* at \*5. Importantly, the court rejected Alexion’s “failure of the other two therapies,” not eculizumab, to treat aHUS as “immaterial” to the question of whether it would be obvious to treat aHUS with eculizumab. *Id.*

at \*6. Accordingly, Liquidia requests that this Court deny UTC's Motion for Preliminary Injunction.

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